

REMARKS

Claims 8-10 are pending. By this Amendment, claim 8 is amended. No new matter is added.

The Office Action rejects claims 8-10 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. This rejection is traversed.

The presently pending claims include a limitation to the electrostatic capacity characteristic of a material. Applicants respectfully submit that the U.S. Patent and Trademark Office has issued other patents with claims containing similar terminology to describe a characteristic of a material and that those of skill in the art would readily understand Applicants' invention from the present claims (see for example claim 17 of U.S. patent No. 6,475,461-"A porous carbonaceous material ...having an electrostatic capacity for an electrical double layer capacitor of from 70 to 90 F/cm³"). Thus, as the Patent Office, and as one of skill in the art, recognizes and understands such terminology, reconsideration and withdrawal of the rejection of claims 8-10 under 35 U.S.C. § 112, first paragraph, are respectfully requested.

The Office Action rejects claims 8-10 under 35 U.S.C. § 112, second paragraph, for containing an informality. Applicants have corrected the informality in claim 8 as suggested by the Examiner. Reconsideration and withdrawal of the rejection of claims 8-10 under 35 U.S.C. § 112, second paragraph, are respectfully requested.

The Office Action rejects claims 8-10 under 35 U.S.C. § 102(e) as being anticipated by, or under § 103(a) as being obvious over Adachi et al. (U.S. Patent No. 5,430,606). This rejection is traversed.

As explained in the present specification, “[a] carbonized powder, which is formed by carbonization and which is an intermediate, is a carbon material produced by the advancement of graphitization to the certain extent. The carbon material is classified into two types: easy-graphitizable carbon C1 shown in Fig. 3, and non-graphitizable carbon C2 shown in Fig. 4. The easy-graphitizable carbon C1 is an aggregate of crystals c each having a crystal structure substantially similar to that of graphite, namely, a crystal structure having base faces b and edge faces e, the base faces b being oriented. On the other hand, the non-graphitizable carbon C2 is an aggregate of crystallites c which are similar to the above-described crystallites, but the base faces b are not oriented” (see the second full paragraph on page 3 of the present specification).

As Applicants explained in their previous Amendments, the present claimed invention is patentably distinguishable from Adachi for the reason that Adachi does not teach or suggest forming the activated carbon from a graphitizable carbon. The Examiner asserts that “Adachi specifically uses phenolic resin, which is similarly used in the instantly claimed invention” (page 4 of the Office Action).

However, Applicants respectfully note that the “phenolic resin” of Example 1 of the present application results in a “carbonized powder [that] is **formed of non-graphitizable carbon**” (see the last full sentence on page 4 of the present specification, emphasis added). Thus, just as Example 1 of the present application is not directed to graphitizing carbon, Adachi does not teach or suggest the inclusion of a graphitizing carbon. (Also see for example, Maeda et al. column 2, lines 22+, “the activated carbons...are manufactured by the use of so called hard carbon (non-graphitizable

carbon) materials, such as those made from coconut shell, coal and phenol resin, as starting materials.)

Thus, for at least the above reasons, reconsideration and withdrawal of the rejection of claims 8-10 under 35 U.S.C. § 102(e) are respectively requested.

The Office Action rejects claims 8-10 under 35 U.S.C. § 102(b) or § 103(a) over Sato et al. (JP 10149958 A). This rejection is traversed.

The Examiner asserts that Sato et al. is "produced by an equivalent process." However, the present invention is now directed to a graphitizable carbon, such as in present Examples III and IV, which relate to the processes using meso-phase pitch and require conducting an insolubilizing treatment at 320°C for 30 minutes in an open-air atmosphere. Sato et al. nowhere teach or suggest conducting such insolubilizing treatment prior to carbonizing treatment. For at least this reason, it cannot be said that the process taught equivalent to that utilized in the claimed invention.

Moreover, in the case of Example III of the subject application, a water vapor activating treatment is conducted at 950°C for 5 minutes. In Example IV, an alkali activating treatment is conducted at 800°C for 5 hours. These specific values of activating treatment are not mentioned in Sato et al. Thus, Applicants respectfully submit that the claimed product and prior art products are not produced by identical or substantially identical processes, contrary to the Examiner's assertion.

Thus, for at least the above reasons, reconsideration and withdrawal of the rejection of claims 8-10 under 35 U.S.C. § 102(b) or § 103(a) are respectfully requested.

The Office Action rejects claims 8-10 under 35 U.S.C. § 102(e) as being anticipated by, or under § 103(a) as being obvious over Maeda et al. (U.S. Patent No. 6,118,650). This rejection is traversed.

The present claims require that the activated carbon be a powder. Maeda et al. only teaches elongated fibers having a diameter of 5 to 50 micrometers. Although Maeda et al. do not appear to disclose the length of the fibers, from Figure 1 it appears that the lengths of the fibers are upwards of twenty times the diameters of the fibers. The Examiner asserts that the dimensions of the Maeda fibers "surely classify them as a powder." However, Maeda Fig. 1 does not appear to show such a powder but instead discloses an aggregate of "pieces". Furthermore, Maeda appears to teach against forming such a powder, stating that if the types of machines used to make powders are utilized for the Maeda fibers, "a pressure is applied in the diameter direction of the fibers, whereby longitudinal cracks often take place in the fiber axis direction...Therefore, these devices are not appropriate milling devices" (column 7, lines 6-12). According to Maeda, "[t]he fiber length [after milling] can be controlled by adjusting a rotating number of the rotor, an angle of the blade, etc." (column 7, lines 18-20). Nowhere does Maeda teach or suggest that, rather than milling to make smaller fibers as is done in Maeda, additional milling should be done to produce powder, although Maeda does teach against such further milling ("a long period of time is necessary for [such] milling").

For at least the above reasons, reconsideration and withdrawal of the rejection of claims 8-10 under 35 U.S.C. § 102(e) or under § 103(a) are respectively requested.

Applicants respectfully submit that this application is in condition for allowance.
Favorable consideration and prompt allowance is earnestly solicited.

Should the Examiner believe anything further is necessary in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

In the event this paper is not being timely filed, Applicants respectfully petition for an appropriate extension of time. Any additional fees may be charged to Counsel's Deposit Account 01-2300, **referring to client-matter number 107348-00047.**

Respectfully submitted,

A handwritten signature in black ink, reading "Robert K. Carpenter", written over a horizontal line.

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